

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

MICHAEL HILD,

Defendant.

19-CR-602 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

Defendant Michael Hild filed a motion for a new trial under Federal Rule of Criminal Procedure 33 on April 29, 2024. The corresponding memoranda, filed on April 29, 2024 and June 4, 2024, included redactions and attached sealed exhibits.

No later than July 3, 2024, Hild shall supplement his justification for redacting the memoranda and sealing the exhibits. In doing so, he should articulate why sealing and redaction are consistent with *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). In addition, he shall consider that

- “merely conclusory statements that documents contain confidential business information are insufficient to justify sealing,” *Whittaker v. MHR Fund Mgmt. LLC*, No. 20-CV-7599, 2021 WL 4441524, at *2 (S.D.N.Y. Sept. 28, 2021);
- the protective order in this case states that it “shall not be construed as preventing the disclosure of any information in any motion, hearing or trial held in this action,” Order at ¶ 5, Dkt. 17; and
- “[c]ourts in this District have held that the mere existence of a confidentiality agreement covering judicial documents is insufficient to overcome the First Amendment presumption of access,” *Dentons US LLP v. Zhang*, No. 21-MC-462, 2021 WL 2187289, at *1 (S.D.N.Y. May 28, 2021); *see also Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 155 (S.D.N.Y. 2015) (“[E]ven if material is properly designated as Confidential or Highly Confidential by a protective order governing discovery, that same material might not overcome the presumption of public access once it becomes a judicial document.”).

SO ORDERED.

Dated: June 25, 2024
New York, New York


Ronnie Abrams
United States District Judge